Women, their Human Rights and Assam Human Rights Commission

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Abstract:

Women are called as the backbone of a Nation. But Women are not free from male domination in India and unfortunately human rights of women are not protected and violated very frequently in our society. In order to protect the human rights of women there are certain conventions, treaties, acts and commissions at the international, national and state levels. In the state of Assam the ASSAM HUMAN RIGHTS COMMISSION (A.H.R.C.) is such a commission.

The study attempted to find out the causes and area of violence against women and the activities done by the A.H.R.C. to protect the human rights of women in Assam. The analytical research method and secondary data are used in this study. Total 15 cases are found as reliable and suitable data (2013-2017) for the study. Major findings of this study are: outraged modesty of women, dowry, rape, eviction cum demolition of hut, physically assaulted and police’s inaction are the causes and area of violence against women and the commission has done their activities within their own jurisdiction to protect the human rights of women.
KEYWORDS: Human Rights, women, and A.H.R.C.

INTRODUCTION:

Human Rights mean rights of the human beings which are inherent and inalienable. “Human Rights are the rights which are possessed by every human being, irrespective of his or her nationality, race, religion, sex etc. simply because he or she is a human being.” so, we can say that human rights mean those rights without which we cannot live as a human being.

Certain groups in human society are treated as weak and vulnerable because of deep rooted customs or nature and one such group is women. Since they are vulnerable their rights are very frequently violated by the dominant section of our human society.

To protect and promote human rights of the women in international, national and state levels certain conventions acts and commissions are created and established. In Assam one such commission was established on March 19, 1996 named Assam Human Rights Commission (A.H.R.C.). This commission has been playing a significant role in the protection and promotion of human rights of women.

Objectives of the study:

1. To analyse the role and activities, done by the A.H.R.C. to protect the human rights of women in Assam.
2. To analyse the causes and areas of violation of the human rights against women in Assam.
3. To analyse the nature of the cases of violence against women whether on it is complaint or suo moto.
Delimitation of the study:

1. The present study is delimited to the human rights of women.
2. The present study is delimited to the state of Assam.

Area of the study:

The geographical area of this study is Assam. Assam is located in the North East of India. The state shares its boundaries with Nagaland, Manipur and Arunachal Pradesh in the east; Tripura and West Bengal in the west; Arunachal Pradesh in the North; and Mizoram and Meghalaya in the South. The state shares international borders with the Kingdom of Bhutan in the Northwest and Bangladesh in Southwest.

Assam is a multi linguistic, multi cultural and multi religious state. Different caste people like Assamese, Bengali, Bihari, Marwari, Nepali, Punjabi and different tribes like Bodo, Rabha, Missing, Dewri, Sonowal and etc are living together in Assam. But Assamese is majority. The 2011 census report reveals that total population of Assam is 31,169,272 and it occupies 30,285 square miles (78,438 square km).

Review of related literature:

_HUMAN RIGHTS_ (Agarwal, 2016) analyse the status of women in India. Constitutionally the status of women is equal with men (art. 14), but practically it is not. Women rights are violated in India. In order to protect the human rights of women, on July 1993, India has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (1979). This ratification obliges India to honour the obligations imposed by the Convention.³ Again, Agarwal discusses the role and activities of the Nation and State human rights commissions to protect the human rights of women.⁴

_HUMAN RIGHTS_ (Yasin and Upadhyay, 2018) also discusses the constitutional means (art. 14, art. 15) and legal means (minimum wages act of 1984, maternity benefit act of 1961, the dowry prohibition act of 1961 and etc.) to protect the human rights of women.⁵
**HUMAN RIGHTS: under International Law and Indian Law** (Kapoor, 2017) describes the convention on the political rights of women. The convention on the nationality of married women 1957, convention on the elimination of all forms of discrimination against women 1979, and implementation of the convention.\(^6\) Kapoor, again describes the role and functions of the national and state human rights commission to protect and promote the human rights of women.\(^7\)

**HUMAN RIGHTS** (Rahman, 2016) analyses the protection of human rights act, 1993, the functions and role of the national and state human rights commission specially the Assam Human Rights Commission to protect the human rights of the people of Assam.\(^8\)

**Methodology:**

**Research method:** In this present research analytical research method is implemented. In analytical research, the researcher has to use facts or information already available, and analyse these to make a critical evaluation of the material.\(^9\)

**Data:** In this research secondary data are used. These secondary data are collected from office of the Assam Human Rights Commission. I have collected 4 years (2014 – 2017) judgement and order copies of the A.H.R.C. cases; and I get 15 cases relating to the violation of human rights of women.

**Analysis of the Data:**

The analysis and interpretation of data is done, according to the objectives formulated, under the following:

A.H.R.C. Case No: 601/14/2012-13 was a complaint case where cause or area of violence was attempt to outrage modesty and police’s inaction. The commission had inquired the case and disposed of on 15/12/2014.\(^{10}\)

A.H.R.C. Case No: 786/03/2013-14 was a complaint case where cause or area of violence was rape of RTI activities’ wife. The commission had inquired the case and disposed of on 15/12/2014.\(^{11}\)
A.H.R.C. Case No: 851/14/2013-14 was a complaint case where cause or area of violence was outraged modesty due to arrange child marriage. The commission had inquired the case and disposed of on 20/10/2014.12

A.H.R.C. Case No: 986/16/2013-14 was also a complaint case where cause or type of violence was dowry and later killed. The commission had inquired the case and disposed of on 15/10/2014.13

A.H.R.C. Case No: 1091/24/2014-15 was also a suo moto case where cause or type of violence was eviction cum demolition of a hut near Bharalu River. The commission had inquired the case and disposed of on 04/08/2015.14

A.H.R.C. Case No: 1105/14/2014-15 was a complaint case where cause or type of violence was destroying the house regarding land dispute. The commission had inquired the case and disposed of on 06/07/2015.15

A.H.R.C. Case No: 1128/19/2014-15 was also a complaint case where cause or type of violence was attempted to outrage modesty. The commission had inquired the case and disposed of on 12/10/2015.16

A.H.R.C. Case No: 1135/09/2014-15 was also a complaint case where cause or type of violence was physically assaulted Doctor and polices’ inaction. The commission had inquired the case and disposed of on 27/10/2015.17

A.H.R.C. Case No: 1193/14/2014-15 was also a complaint case where cause or type of violence was outraged modesty and police’s inaction. The commission had inquired the case and disposed of on 23/07/2015.18

A.H.R.C. Case No: 1384/24/2015-16 was also a complaint case where cause or type of violence was dowry and assaulted. The commission had inquired the case and disposed of on 02/06/2016.19

A.H.R.C. Case No: 1388/15/2015-16 was also a complaint case where cause or type of violence was assaulted and burn a hut of poor two ladies. The commission had inquired the case and disposed of on 07/04/2014.20
A.H.R.C. Case No: 1452/14/2015-16 was also a complaint case where cause or type of violence was physically assaulted and police’s inaction. The commission had inquired the case and disposed of on 19/05/2016.21

A.H.R.C. Case No: 1598/02/2015-16 was also a complaint case where cause or type of violence was attempt to rape. The commission had inquired the case and disposed of on 15/06/2016.22

A.H.R.C. Case No: 1646/09/2016-17 was also a complaint case where cause or type of violence was physically assaulted. The commission had inquired the case and disposed of on 21/06/2016.23

A.H.R.C. Case No: 1774/14/2016-17 was also a complaint case where cause or type of violence was dowry. The commission had inquired the case and disposed of on 09/11/2016.24

**Findings of the study:**

1. The study reveals that the commission has done all their activities i.e. inquiry, suo moto or on a petition presented to it by a victim or any person on behalf into complaint of violation of human rights of women; or negligence in prevention of such violation by the public servants.

2. The study exposes some causes for the violation of human rights of women in Assam. These are as follow:
   a. Outraged modesty and police’s inaction,
   b. Rape,
   c. Dowry and assaulted,
   d. Eviction cum demolition of a hut by the Assam government,
   e. Physically assaulted Doctor and police’s inaction,
f. Assaulted and burn the hut of poor two lady,

3. The analysis of the data reveals that the nature of the cases is both i.e. complaint and suo Moto. Out of 15 cases only one is suo moto case and all remaining 14 are complaint cases.

4. The study reveals that sometimes the commission has faced a problem to protect the human rights of women. The state commission itself is basically a powerless body. It is a toothless tiger created by the act with all legislative wisdom as the same is evident from the provisions of the law (section 2 d of the act) itself. The act does not vest any enforcing and executing power to the state Commission like Assam Human Rights Commission.

Recommendation:

1. The A.H.R.C. should be vested more enforcing power, so that the commission can easily protect the human rights of women.

2. Some events regarding the violation of women rights are not come under the purview of A.H.R.C., because they don’t know about the commission. So, the commission sometimes should organise awareness programme regarding the human rights.

Conclusion:

Women are the half of a Nation. So, we should respect the human rights of the women. When all men will respect the women then their human rights will be protected. If someone violates the human rights of the women then they should be given heavy punishment. To give them punishment it is essential to vest more enforcing power to the state commission.
REFERENCES:

24. [2016] A.H.R.C. 1774/14/2016-17